

**BROWN RAYSMAN**

BROWN RAYSMAN MILLSTEIN FELDER &amp; STEINER

**MEMO ENDORSED**

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January 28, 2005

Via Facsimile: 212.805.6382

Honorable Victor Marrero  
United States District Judge  
United States Courthouse  
40 Centre Street, Room 414  
New York, New York 10007

USDC SDNY  
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Re: Van Wagner Enterprises, LLC v. Alexander Brown  
Civil Action No. 04-CV-3882 (VM)

Dear Judge Marrero:

This firm represents plaintiff Van Wagner Enterprises, LLC ("VWE") in the above-entitled action.

At the conclusion of the pre-motion conference held on January 14, 2005, the Court granted my request for an opportunity to consult with my clients and confer thereafter with defendant's counsel regarding VWE's position as to certain matters discussed at the conference, including the question as to whether it is VWE's position that this action should proceed in this Court (or, alternatively, should be adjudicated in connection with an action commenced by a VWE affiliate in New York Supreme Court). Due to scheduling conflicts and related issues, I have been as yet unable to complete the consultation process, although I anticipate doing so by the end of next week.

Accordingly, I respectfully request an additional one-week extension of time, until February 4, 2005, in which to confer with defendant's counsel, Hollis Bart, and report to the Court on these matters in writing as directed.

I have spoken with Ms. Bart, and she has consented to the extension sought herein.

Respectfully,

  
John C. Ohman

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cc: Hollis Gonerka Bart, Esq. (Via facsimile)

**SO ORDERED:** *Request Granted.*  
**VICTOR MARRERO, U.S.D.J.** 1-31-05